

## **REMARKS**

### **Objections**

#### ***Objections to the Claims***

The Examiner objected to claims 21 and 31 as containing informalities because the Examiner apparently thinks the final element should recite "the access point" rather than "the station." Applicant respectfully points out that claims 21 and 32 are directed toward the operation of an access point, as clearly set forth in the preamble. The access point sends and receives data from a station, not from itself. Therefore, claims as originally presented are correct and Applicant respectfully requests the withdrawal of the objection to claims 21 and 31.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 103***

#### **Claims 1-3, 9-17, 19-22, 24-27, 29-32, 34-38, 40-48 and 50-51**

Claims 1-3, 9-17, 19-22, 24-27, 29-32, 34-38, 40-48 and 50-51 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,526,506 to Lewis and US. Patent No. 6,178,506 to Quick Jr. Applicant respectfully submits that the combination does not teach each and every element of the invention as claimed in claims 1-3, 9-17, 19-22, 24-27, 29-32, 34-38, 40-48 and 50-51.

In response to Applicant's argument that neither Lewis nor Quick disclose requesting and/or sending a security preference for an access point, the Examiner stated that such operations are "inherent" because "how is the mobile station [to] know what encryption algorithms the access point is equipped with." To answer the Examiner's question, at the time of Applicant's filing, the user had to manually setup the station, i.e., the mobile device, to match the security preferences of the current access point and had to manually change the setup to connect to a different access point. Indeed, this is one of the problems with the prior art that the present invention is designed to alleviate (*see* Specification: Background section, *intra alia* page 4, lines 4). Applicant challenges the assertion of the principal of inherency and requests the Examiner produce evidence that a

computerized security preference exchange as claimed was known prior to Applicant's filing date.

Furthermore, the Examiner has improperly read limitations from the specification into Applicant's independent claims. The Examiner asserted that the specification states that the claimed authentication information is an encrypted user name and password, citing page 12, lines 1-4. However, the Examiner has omitted a key phrase in quoting the cited section of the specification. The specification states that "In the present example, the station encrypts the user name and password using the self-distributed key ...", i.e., in one embodiment only. The specification further states:

The authentication information can be a user name and password, an encrypted challenge such as used in the Challenge Handshake Authentication Protocol, or other types of data typically used to authenticate clients on a network. [page 4, line 20 through page 5, line 1]

Thus, interpreting Applicant's claimed "generating" as limited to only an encryption operation is improper.

Moreover, the embodiments disclosed in the specification generate the authentication information using a key. The Examiner asserts that Lewis' registration information is equivalent to Applicant's claimed authentication information, but Lewis does not teach or suggest that the registration information is generated using a key. In addition, Quick's authentication information includes a public key, but Quick does not teach or suggest that the public key is generated using a key.

To clarify the claimed invention, Applicant has amended independent claims 1, 16, 21, 26 and 30 to specify exchanging of data between the station and the access point though a setup connection prior to the establishment of a secure channel. Independent claims 36 and 46 already recited this limitation. Quick does not disclose using both a setup connection and a secure channel as claimed.

Lewis discloses that data is exchanged between a mobile device and a key distribution server prior to establishing a secure channel between the mobile device and an access point. The Examiner asserts that combining Lewis' key distribution server with Lewis' access point creates an equivalent element to Applicant's claimed access point. However, the asserted combination contradicts the clear teaching in Lewis that the key distribution server and the access point are separate devices. Applicant previously

challenged this argument and requested the Examiner produce evidence to support combining the functions of the two devices into a single device. The Examiner has failed to produce such evidence and has merely stated: "Whether the requesting source or receiving destination is connected through one or multiple intermediate computer system[s] would not make it [the invention] patentably distinct." Applicant again respectfully directs the Examiner's attention to MPEP § 2144.04 II. B: eliminating a prior art element while retaining its function is an indication that the claimed invention is non-obvious, i.e., *patentably distinct*, over the prior art. Again, Applicant respectfully requests the Examiner produce hard evidence, not merely arguments, as to why one of skill in the art would make the asserted combination when it is contrary to Lewis' own teachings.

Because the combination of Lewis and Quick does not disclose each and every limitation claimed by Applicant for the station and access point in claim 1, the combination cannot be properly interpreted as disclosing the functions of the station and the access point as separately claimed in claims 16 and 26, and claims 21 and 31, respectfully. In addition, the combination cannot be properly interpreted as disclosing a secure wireless network and an apparatus that function as claimed in independent claims 36 and 46.

Finally, Applicant respectfully but strongly disagrees with the Examiner's assertion that the Lewis and Quick disclose the message data structure claimed in independent claim 42 just because Lewis discloses a memory that contains executable code and could contain the data structure. Applicant respectfully reminds the Examiner that he must point out where each and every element of the claimed data structure appears in one or more of the references to have a proper *prima facie* case of obviousness. Pointing out only a media that might contain the data structure is not sufficient.

Accordingly, the combination of Lewis and Quick cannot render obvious Applicant's invention as claimed in claims 1-3, 9-17, 19-22, 24-27, 29-32, 34-38, 40-48 and 50-51, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

**Claims 4-8, 18, 23, 28, 33, 39 and 49**

Claims 4-8, 18, 23, 28, 33, 39 and 49 stand rejected under 35 U.S.C. § 103(a) as being obvious over the combination of Lewis and Quick and Schneier ("Applied Cryptography, Second Edition, 1996). Applicant respectfully submits that the combination does not teach each and every element of the invention as claimed in claims 4-8, 18, 23, 28, 33, 39 and 49.

Claims 4-8, 18, 23, 28, 33, 39 and 49 depend from one of independent claims 1, 16, 21, 26, 31, 36 or 46. As stated above, the combination of Lewis and Quick does not disclose all the elements of the independent claims. Schneier does not disclose any of the claimed elements that are missing in the Lewis, Quick combination. Therefore, the combination of Lewis, Quick and Schneier cannot render obvious Applicant's invention as claimed in claims 4-8, 18, 23, 28, 33, 39 and 49, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

**SUMMARY**

Claims 1-51 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x309.

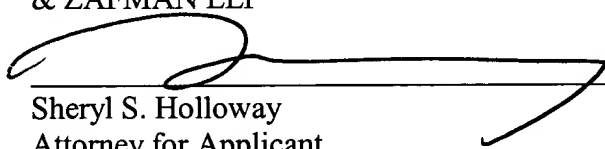
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP

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